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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------|-------------|------------------------|---------------------|------------------|
| 10/588,640       | 09/08/2006  | Carles Puente Baliarda | 68349-00027USPX     | 9799             |
| 61060            | 7590        | 12/11/2007             | EXAMINER            |                  |
| WINSTEAD PC      |             |                        | NGUYEN, HOANG V     |                  |
| P.O. BOX 50784   |             |                        |                     |                  |
| DALLAS, TX 75201 |             |                        |                     |                  |
|                  |             |                        | ART UNIT            | PAPER NUMBER     |
|                  |             |                        | 2821                |                  |
|                  |             |                        | MAIL DATE           | DELIVERY MODE    |
|                  |             |                        | 12/11/2007          | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/588,640

Applicant(s)

BALIARDA ET AL.

Examiner

Hoang V. Nguyen

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-27 and 29 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date See Continuation Sheet.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :8/27/07; 6/29/07; 11/13/06; 8/4/06.

***Claim Objections***

1. Claims 5-27 and 29 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend on another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Hankui et al (WO 02/084784A).

Regarding claim 1, Hankui (Figure 11A) discloses a handset for radio communication comprising an antenna 20 and a ground-plane 4 associated with the antenna, the antenna being situated in correspondence with an antenna end of the ground-plane, wherein in that it further comprises at least one conducting surface 2 situated over a part of the ground-plane and separated from the part of the ground-plane, the at least one conducting surface being arranged so that the part of the ground-plane and the at least one conducting surface, in combination, establish a resonance circuit having a high impedance at an operating frequency of the antenna, towards the antenna end of the ground plane.

Regarding claim 2, as applied to claim 1, Figure 11A of Hankui shows that the at least one conducting surface 2 is short-circuited to the ground-plane at a position situated at a distance from an end of the conducting surface facing the antenna end of the ground-plane, the distance being such that it corresponds to an electric path length of substantially one quarter of the wavelength at the operating frequency, or an odd multiple of a quarter of the wave length.

Regarding claim 4, as applied to claim 1 or 2, Figure 11A of Hankui shows that the ground plane 4 defines an outer perimeter and wherein the at least one conducting surface is short-circuited to the perimeter of the ground plane or to an inner part of the ground plane.

#### ***Allowable Subject Matter***

4. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claim 28 is allowed.

6. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 3, Hankui fails to further teach, in combination with other limitations, that the at least one conducting surface is not short-circuited to the ground-plane, the at least one conducting surface being arranged such that the resonance circuit has a first open end facing the antenna end of the ground-plane and a second open end separated from the first open end by a distance corresponding to an electrical path length substantially equal to half of the wavelength or a multiple of said half of the wavelength, at the operating frequency.

Regarding claim 28, Hankui discloses an antenna comprising a handset having two conducting plates sandwiching a ground plate. Hankui, however, fails to teach a configuration comprising a clamshell handset including an electromagnetic bra structure at least at one half of the handset phone, such an electromagnetic bra structure comprising two conducting plates, the plates being placed at both sides of a ground plane of such a handset, both of the plates being connected at least at one point of the handset, the plates being a quarter wave in length or an odd multiple of a quarter wavelength, with the opening nearby the hinge of the clamshell phone.

### *Inquiry*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang V. Nguyen whose telephone number is (571) 272-1825. The examiner can normally be reached on Mondays-Fridays from 8:00 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Owens can be reached on (571) 272-1662. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hvn  
12/3/07

/Hoang V Nguyen/  
Primary Examiner, AU 2821